

(S)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition Nos. 25753 to 25797 of 1994

1. Mr. Ravi Kumar T.C.  
s/o T.Channarayappa;

2. Mr. Jayan.B.  
s/o G. Bhaskaran;

3. Ms. Ani Paull,  
d/o M.V. Paulose;

4. Ms. Sreedevi.P.  
d/o Ravindranathan;

5. Mujib Faziluddin,  
s/o A.K. Faziluddin;

6. Ms. Sheela Vargeese,  
d/o K.T. Varghese;

7. Sri Shyam Sundar.M  
s/o Madhavan Nair;

8. Sri Rajesh P.R.  
s/o Rajamarajan;

9. Ms. Shine.S.S.  
d/o Shanmugan;

10. Lagi.U.R.  
d/o Ramachandran, U.C.

11. Rekha Susan George,  
d/o Dr. M.T. George;

12. Senthil Kumar T.N.  
s/o T. Natarajan;

13. Prabheesh John,  
E.V. John;

637

14. Meena Balakrishan,  
d/o Balakishan Singh;
15. Anitha Susan Sam,  
s/o P. Samkutty;
16. Urvashi,  
d/o S.S. Deepak;
17. Rachana Varma,  
d/o Ranjan Varma;
18. Arun George,  
s/o Mary George;
19. Juliana Kaping,  
d/o Alam Tangkhul;
20. Asad Yar Khan,  
s/o Wali Malid Khan;
21. Nikku Nebwani,  
d/o M.R. Nebwani;
22. Praveen C.R.  
d/o C.N. Ravi;
23. Regi. T. Ninan,  
s/o Thomas C. Ninan;
24. Manish Kumar,  
s/o G.P. Pawar;
25. Saryu Sehgal,  
d/o D.P. Sehgal;
26. Bindu Mathew,  
d/o Johnson Mathew;
27. Pundhir Mukesh Kumar,  
s/o N.S. Pundhir;
28. Davis Cyril Raj.N  
s/o A. Nesargi Dass;
29. Harinder Singh,  
s/o Col. Trilochan Singh;
30. Shijar P.M.,  
s/o P.A. Md. Salim;

63

- 3 -

31. Nimisha N. Patel,  
d/o Natwarlal D. Patel;
32. Antony Mathew,  
s/o P.V. Mathew;
33. Chamaruthi Mahendra Raju,  
s/o C. Rama Raju;
34. Thummala Maruthi Prasad,  
s/o T. Gangi Reddy;
35. Molladad Khan,  
s/o Bashir Ahmed Khan;
36. Kavitha.B  
d/o Bashir Ahmed Khan;
37. Sunitha Thomas,  
d/o Thomas P.M.;
38. Minu John,  
d/o T. John;
39. Lakshmy Priya,  
d/o V.P. Premanathan;
40. Neeti Nirwal,  
d/o Lt. Col. I.S.Nirwal;
41. Arun K.S.  
s/o S. Kuttappan;
42. Noushad.S.  
s/o Sainudeen Kunju;
43. Amar Singh,  
s/o V.B.Singh;
44. Juno.S.  
s/o P.Sadasivan;

...4

626  
627

- 4 -

45. Ashish Jogota,  
s/o Hitesh Jogota ..Petitioners

All have completed the I year BDS Course  
in Rajiv Gandhi College of Dental Science,  
Cholanagar, Bangalore - 560 032;

All the petitioners are r/o Rajiv Gandhi  
College of Dental Science Hostal,  
Cholanagar, Bangalore - 560 032.

(By Sri Veeresh B. Patil, Advocate)

-VS-

1. The State of Karnataka,  
by its Secretary,  
Health & Family Welfare Dept.  
M.S. Building,  
Bangalore - 560 001;

2. The Registrar,  
Bangalore University,  
Jnana Bharathi,  
Bangalore - 560 056;

3. The Principal,  
Rajiv Gandhi College of Dental  
Science, Cholanagar,  
Bangalore-32;

4. Sir M. Visvesvaraya Education,  
Trust (REGD.) No.45,  
Millers Road,  
Bangalore - 560 052,  
represented by its  
Secretary .. Respondents

(By Sri A. Nagarajappa, AGA, for R1;  
Sri K. Sachindra Karanth, Adv. for R2;  
R3 and R4 are reserved)

1

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-5 -

Writ petitions are filed praying to direct the respondents 1 and 2 to permit the petitioner to appear for the 1st year BDS course annual examination scheduled to commence from 15-9-1994 abd etc.

These petitions are coming on for preliminary hearing in 'B' group, this day, the court made the following:

O R D E R

The petitioners in these petitions have sought a direction to the first and second respondents to permit them to appear for the first year BDS annual examination scheduled to be commenced from 15-9-1994. The second prayer is for a declaration that the provisions of subsection (5) of Section 53 of the Karnataka State Universities Act, 1976 [for short, the Act], is ultra vires and unconstitutional. The third prayer is for a declaration that subsection 10 of Section 53 of the Act is ultra vires and contrary to Section 53(2) of the Act and contrary to the Article 14 of the Constitution.

2. This court on 7-9-1994, granted interim order directing the second respondent to accept the examination fee and applications from the petitioners and permitting them to appear for the first year BDS examinations scheduled to be

RMR

63<sup>6</sup>

-6 -

commenced from 15-9-1994. However, when the respondents opposed the said application, this court by a considered order dated 19-9-1994, vacated the interim stay dated 7-9-1994. Thereafter, the petitioners filed IA II seeking a direction to the second respondent to conduct a special examination for first year BDS course, which had commenced from 15-9-1994 for the subjects 1) Physiology (theory) and Biochemistry and 2) Dental Materials (Practical) for the petitioners and to announce the results. They also filed IA III seeking a direction to the second respondent to announce the results of the petitioners in regard to the examinations held in September, 1994. This court, by an order dated 15-3-1995 rejected both the applications.

3. In view of above, the first prayer has become infructuous.

4. In regard to second and third prayer, challenging the validity of Subsections 5 and 10 to Section 53 of the Act, the petitioners and their counsel are absent. Hence, these petitions are

BMR

639

-7 -

dismissed, reserving liberty to the petitioners to challenge the validity of the said sections in appropriate proceedings.

Sd/-  
JUDGE

